

Section 1040 - Noises Disturbing the Public Peace**1040.01 Regulations Adopted; Measurement of Sound Levels.**

Subd. 1. **Minnesota Pollution Control Agency.** Noise Pollution Control Regulations of the Minnesota Pollution Control Agency Air Quality Division published as Minnesota Rules 2003, Chapter 7030.

Subd. 2 **Measurement of Acceptable Sound Levels.** Section 7030.060 of the Regulations is amended to read as follows:

A. A measurement procedure approved by the Sanitarian shall be used to determine the acceptability of sound levels in a given area. Such measurements shall be made using the following guidelines:

1. If the noise emanates from a place other than a building or structure, then the measurement shall be made at the point of human activity in the receiving area which is the nearest the noise source and which is typical for the noise area classification category of the receiving area, except where existing barriers, obstructions or reflecting surfaces prevent an accurate measurement; and
2. If the noise emanates from a building or structure, then the measurement shall be made from the property line of the property on which the building or structure is situated.

1040.02 Prohibited Noise. No person shall make, continue, or cause or allow to be made or continued, any noise which exceeds the standards set forth in the Regulations. The foregoing prohibition shall not apply to the following conditions:

- A. Noises necessary for the protection or preservation of property or of the health, safety, life or limb of a human being;
- B. The operation of motor vehicles on public highways, locomotives and railroad cars, maintenance of utility easements or parks or snow removal by the City, County or State;

1040.03 Hourly Restrictions on Certain Operations. No person shall.:

A. Between the hours of 10:00 P.M. and 7:00 A.M., operate a snowmobile, minibike, all terrain vehicle, or other vehicle not licensed for travel on public streets, provided vehicles used by physically disabled persons as defined by M.S. 169.356, Subd. 2 are exempt from this requirement.

B. Between the hours of 10:00 P.M. and 7:00 A.M., operate a power lawn mower, power hedge clipper, power leaf blower, chain saw mulcher, garden tiller, edger, drill or other similar maintenance equipment. Provided, however, i) the use of fairway and greens mowers and other motorized equipment used to maintain golf courses and publicly owned

property , ii) the use of snow removal equipment and iii) the use of ice rink maintenance equipment are exempt from this requirement.

C. Between the hours of 10:00 P.M. and 7:00 A.M., collect garbage or refuse within 200 feet of a building used for residential purposes.

D. No person shall engage in or permit construction and repair activities involving the use of any kind of electric, diesel or gas-powered motor vehicles or machine or other power equipment, audible beyond the property line of the property where the activity is occurring, except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday, and 8:00 a.m. and 7:00 p.m., Saturday, Sunday and holidays (New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas).

1040.04 Codes on File. One copy of each of the following, each marked Official Copy, shall be filed in the office of the Clerk for use and examination by the public:

Subd. 1 **Minnesota Pollution Control Agency.** Noise Pollution Control Regulations of the Minnesota Pollution Control Agency Air Quality Division published as Minnesota Rules, 1991, Chapter 7010; and

Subd. 2 **American National Standards Institute.** American National Standards Institute Specification for Sound Level Meters, SI.4-1983.

1040.05 Advertising Noises. No person shall make or cause to be made for the purpose of advertising or announcing the person's vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services, or anything whatsoever, or with the carrying on of any trade, occupation, vocation, or profit-making activity, an amplification of the voice, or of any bell, gong, horn, instrument, article or device. The violation of this Subsection in connection with any license or permit shall be cause for its revocation or suspension pursuant to Section 160 of this Code.

1040.06 Engines to be Muffled. It shall be unlawful to operate or cause to be operated any noise-creating blower or power fan, internal combustion engine, air compressor or steam engine, the operation of which causes noises due to the explosion of operating gases of fluids, unless the noise from such blower or fan is muffled and such engine or compressor is equipped with a muffler device sufficient to deaden such noises, so that the noise shall not cause annoyance to the public or disturb the rest and quiet of persons of normal sensibilities in the vicinity.

1040.07 Mechanical Sound Devices. No person shall make, cause or allow to be made or continued, any unreasonably loud or raucous noise, in the operation or use of any radio, phonograph or other mechanical, pneumatic or electrical sound-making or reproducing device, instrument or machine, which disturbs the comfort, quiet or repose of persons of normal sensibilities in the vicinity.

1040.08 Alarm Systems. No person shall permit an automatic fire alarm or intrusion alarm system under the person's control to emit, for period exceeding 20 minutes, an audible alarm which disturbs the comfort, quiet or repose of persons of normal sensibilities in the vicinity.

1040.09 Permit Necessary for Loudspeakers and Similar Devices. No person shall use or operate, or cause or allow to be used or operated, in any public street or place, or from any aircraft, or in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street or place, any device, apparatus or instrument for the amplification of the human voice or any other sound or noise, or any other sound-making or sound-reproducing devices, without obtaining a permit from the City. Application for the permit shall be made to the Clerk on forms provided by the Clerk. The provisions of Section 160 of this Code shall apply to permits issued under this Subsection and to the holders of such permits. The application shall require, among other information required by Section 160 of this Code, the hours and location of the proposed use, and the maximum volume (in decibels) of the proposed use. If the proposed use complies with the provisions of this Section and other applicable provisions of this Code, the permit shall be granted. The fee for such permit shall be set forth in Section 185 of this Code. Subsequent violation of any provision of this Section or this Code by the permit holder shall be cause for revocation or suspension of the permit pursuant to Section 160 of this Code. This Subsection shall not apply to emergency vehicles or loudspeakers and similar devices used by the City.

1040.10 Participants as Violators. Any person on the premises or at the place from which any noise emanates which violates the provisions of this Section, and who is participating in the activity for which or from which the noise is being made, shall be deemed to be making, or allowing to be made, the noise in violation of this Section.

History: Ord 1032 codified 1970; amended by 1032-A1 8-12-81, 1032-A2 9-29-82, 1032-A3 9-10-84; Ord 1995-6 8-17-95; Ord 2007-10, 06-05-07; Ord 2012-8, 2-21-2012

Reference: Minnesota Rules, 1991, Chapter 7010

Cross Reference: Sections 160, 185